THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.1420 of 2006

08.11.2006

Between:

Maddula Vivekananda, S/o.Sri Panduranga Rao

… Petitioner

AND

The Joint Sub-Registrar, Gandhi Nagar, Vijayawada
And others

… Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.1420 of 2005

ORDER:

The petitioner is statedly purchased the land admeasuring Ac.1.63 in R.S.No.785/3 situated at Nunna Village of Vijayawada Rural Mandal in Krishna District under two separate registered sale deeds dated 20.4.1998 from Bommareddy Ramireddy and Sambi Reddy. The petitioner alleges that the respondents 2 to 5 are trying to dispossess the petitioner by creating documents. The suits filed by the contesting respondents against the petitioner are dismissed. The petitioner, therefore, made a representation dated 22.1.2005 to the first respondent not to register any document in respect of the petitioner's property. The first respondent rejected the same by proceedings dated 24.1.2005 on the ground that unless there is an injunction, registration of a document cannot be stopped. Aggrieved by the same, the present writ petition is filed.

Heard learned Counsel for the petitioner and learned Assistant Government Pleader for Revenue (General). It is no doubt true that when a document is presented, it is incumbent on the part of the Registering Officer, to examine the same with reference to Sections 31 and 36 of the Registration Act, 1908 (the Act, for brevity) and/or Rules 26 and 58 of the Andhra Pradesh Rules under the Act. This aspect of the matter was considered by my learned brother Hon'ble Sri Justice A.Gopal Reddy in W.P.No.15199 of 2004 dated 01.9.2004.

Following the above, this writ petition is disposed of. If the petitioner is aggrieved by the proceedings of the Registering Authority, it shall be open to him to file appeal under Section 72 of the Act before the District Registrar. If the District Registrar i.e., the Appellate Authority declines to give direction to the Registering Authority, the aggrieved person has to file a suit under Section 77 of the Act.

The writ petition, subject to the above observations, is accordingly disposed of. No costs.

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(**V.V.S.RAO,J**)

November 08, 2006.

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